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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,927	12/09/2003	Darrel Robert Slowski	DWE/SLOWSKI	2425

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EXAMINER

HOGUE, GARY CHAPMAN

ART UNIT

PAPER NUMBER

3611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,927	SLOWSKI, DARREL ROBERT	
	Examiner	Art Unit	
	Gary C. Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (3,404,474) in view of May et al. (6,188,175), Weiss et al. (6,367,180) and Zovko (5,646,481).

Johnson discloses a house number identification panel having a plurality of number indicia in selected arrangement positioned externally upon a viewing screen (see Fig. 5); a single phosphorescent screen 34 located behind the indicia, and electrical supply means. However, Johnson does not disclose operating the screen at a voltage that is less than the rated voltage of the screen. May teaches that it was known in the art to provide an electroluminescent device that can operate at less than its rated voltage without a reduction in light output (column 2, lines 4-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the screen disclosed by Johnson with a screen of the type taught by May, in order to consume less electricity. Further, Johnson does not disclose a light sensor that disconnects the energizing means when the ambient light exceeds a predetermined threshold level. Weiss teaches that it was known in the art to use a light sensor to deactivate an illuminated display at dawn (col. 4, lines 23-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide that device disclosed by Johnson with a light sensor that turns the device off when the ambient light exceeds a predetermined threshold

level, as taught by Weiss, in order to extend the life of the screen by not using it during daylight hours. Further, Johnson discloses indicia that contrasts with the non-illuminated screen. Zovko teaches that it is sometimes desirable to make indicia the same color as a non-illuminated screen, so that the indicia will only be visible when the screen is illuminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the indicia disclosed by Johnson the same color as the non-illuminated screen, as taught by Zovko, in order to make the indicia readable only when the screen is illuminated.

Regarding claim 8, it is not known how tall the indicia disclosed by Johnson are. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make them up to about four inches tall, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

3. Claims 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of Johnson (3,404,474) and May et al. (6,188,175).

Finnerty discloses a luminescent display for use in illuminating identification indicia, including a vapour-proof housing (col. 1, lines 17-23) for attachment to a support surface; and a single phosphorescent screen **25**. However, Finnerty discloses internally-mounted, stencil type indicia, rather than externally-mounted silhouette type indicia. Johnson teaches that it is a known equivalent arrangement to use externally-mounted silhouette type indicia. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use externally-mounted silhouette type indicia in the device disclosed by Finnerty, as taught by Johnson, as an obvious matter of choice in design. Further, Finnerty does not disclose operating

Art Unit: 3611

the screen at a voltage that is less than the rated voltage of the screen. May teaches that it was known in the art to provide an electroluminescent device that can operate at less than its rated voltage without a reduction in light output (column 2, lines 4-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the screen disclosed by Finnerty with a screen of the type taught by May, in order to consume less electricity.

Regarding claim 14, It is not known how large the screen is. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the screen in excess of twenty square inches because such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). Further, it is not known how tall the indicia disclosed by Finnerty are. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make them up to about four inches tall, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of Johnson (3,404,474) and May et al. (6,188,175), as applied to claim 11, above, and further in view of Weiss et al. (6,367,180).

Finnerty discloses the invention substantially as claimed, as set forth above. However, Finnerty does not disclose a light sensor that disconnects the energizing means when the ambient light exceeds a predetermined threshold level. Weiss teaches that it was known in the art to use a

Art Unit: 3611

light sensor to deactivate an illuminated display at dawn (col. 4, lines 23-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide that device disclosed by Finnerty with a light sensor that turns the device off when the ambient light exceeds a predetermined threshold level, as taught by Weiss, in order to extend the life of the screen by not using it during daylight hours.

5. Claims 15, 5, 6, 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of Arnold (3,680,238) and Weiss et al. (6,367,180).

Finnerty discloses a luminescent display for use in illuminating identification indicia, including a housing having a display opening; and a single phosphorescent screen **25** disposed within the housing; and indicia associated with the screen; and electrical power means **34, 39** energizing the phosphorescent panel. Every electrical power level is “reduced” compared to some other level. Therefore, any electrical power level can be called “reduced.” However, Finnerty does not disclose a UV protective layer over the screen. Arnold teaches that it was known in the art to provide a display of the type disclosed by Finnerty with a front layer that absorbs UV light. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Finnerty with a layer in front of the screen that absorbs UV light, as taught by Arnold, in order to protect the interior of the display from the damaging effects of exposure to UV light. Further, Finnerty does not disclose a light sensor that disconnects the energizing means when the ambient light exceeds a predetermined threshold level. Weiss teaches that it was known in the art to use a light sensor to deactivate an illuminated display at dawn (col. 4, lines 23-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide that device disclosed by

Art Unit: 3611

Finnerty with a light sensor that turns the device off when the ambient light exceeds a predetermined threshold level, as taught by Weiss, in order to extend the life of the screen by not using it during daylight hours.

Regarding claims 16 and 17, every part of the frame disclosed by Finnerty is raised and projects exteriorly beyond the screen. Therefore, any part of it can be called a “raised bridge portion,” and wherever the sensor is mounted, it will be mounted on the raised bridge portion.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of Arnold (3,680,238) and Weiss et al. (6,367,180), as applied to claim 17, above, and further in view of Zovko (5,646,481).

Finnerty discloses the invention substantially as claimed, as set forth above. However, Finnerty discloses indicia that contrasts with the non-illuminated screen. Zovko teaches that it is sometimes desirable to make indicia the same color as a non-illuminated screen, so that the indicia will only be visible when the screen is illuminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the indicia disclosed by Finnerty the same color as the non-illuminated screen, as taught by Zovko, in order to make the indicia readable only when the screen is illuminated.

7. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of May et al. (6,188,175), Arnold (3,680,238) and Weiss et al. (6,367,180).

Finnerty discloses a method comprising powering a single phosphorescent panel. However, Finnerty does not disclose operating the screen at a voltage that is less than the rated voltage of the screen. May teaches that it was known in the art to provide an electroluminescent

Art Unit: 3611

device that can operate at less than its rated voltage without a reduction in light output (column 2, lines 4-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the screen disclosed by Finnerty with a screen of the type taught by May, in order to consume less electricity. Further, Finnerty does not disclose placing a UV protective layer over the screen. Arnold teaches that it was known in the art to provide a display of the type disclosed by Finnerty with a front layer that absorbs UV light. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Finnerty with a layer in front of the screen that absorbs UV light, as taught by Arnold, in order to protect the interior of the display from the damaging effects of exposure to UV light. Also, Finnerty does not disclose activating the power means below a selected level of light condition. Weiss teaches that it was known in the art to use a light sensor to activate an illuminated display at dusk (col. 4, lines 23-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to activate the device disclosed by Finnerty when the ambient light drops below a selected level, as taught by Weiss, in order to extend the life of the screen by not using it during daylight hours.

Regarding claim 21, every part of the frame disclosed by Finnerty is raised and projects exteriorly beyond the screen. Therefore, any part of it can be called a "raised bridge portion,"

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnerty (3,680,237) in view of May et al. (6,188,175), Arnold (3,680,238) and Weiss et al. (6,367,180), as applied to claim 19, above, and further in view of Zovko (5,646,481).

Finnerty discloses the invention substantially as claimed, as set forth above. However, Finnerty discloses indicia that contrasts with the non-illuminated screen. Zovko teaches that it is

Art Unit: 3611

sometimes desirable to make indicia the same color as a non-illuminated screen, so that the indicia will only be visible when the screen is illuminated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the indicia disclosed by Finnerty the same color as the non-illuminated screen, as taught by Zovko, in order to make the indicia readable only when the screen is illuminated.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

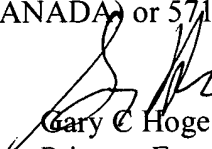
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary C Hoge
Primary Examiner
Art Unit 3611

gch